

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-08 FRB-03 INR-07 NSAE-00 SP-02 STR-04 TRSE-00
LAB-04 SIL-01 OMB-01 AGRE-00 /062 W
-----101216Z 104003 /11

P R 100956Z MAR 77
FM US MISSION EC BRUSSELS
TO SECSTATE WASHDC PRIORITY 3214
INFO ALL EC CAPTIALS 3244
USDEL MTN GENEVA
US MISSION GENEVA 7429
US MISSION OECD PARIS 4246

LIMITED OFFICIAL USE SECTION 1 OF 2 EC BRUSSELS 2291

E.O. 11652: N/A
TAGS: EEC US EAGR ETRD
SUBJECT: US AGRICULTURAL NOTIFICATIONS OF FEBRUARY 14

REF: (A) GENEVA 1625, (B) GENEVA 1719, (C) GENEVA 1720
(D) BONN 4232

1. SINCE RECEIPT OF REFTEL A, MISSION HAS BEEN IN CONTACT WITH A NUMBER OF COMMISSION OFFICIALS IN DG-I (HIJZEN, PHAN VAN PHI), VI (JACQUOT) AND GUNDELACH'S CABINET IN ORDER TO TRY TO HEAD OFF EC LETTER TO AGRICULTURE COMMITTEE AND TO DISCOVER ORIGIN, SERIOUSNESS AND INTENT OF EC ACTION PROTESTING US NOTIFICATIONS OF FEBRUARY 14. WE REMINDED ALL CONCERNED OF GUNDELACH'S STATED INTENTION IN WASHINGTON OF AVOIDING A RESORT TO TRENCH WARFARE AND SAID THAT THE EC LETTER AND CONSEQUENT AGRICULTURAL COMMITTEE DISCUSSION COULD POSE PROCEDURAL ISSUES IN A WAY THAT WOULD MAKE IT DIFFICULT TO CREATE A NEW ATMOSPHERE FOR AGRICULTURE IN THE MTN'S. GUNDELACH'S STAFF SAW THE DANGER AND IN FACT ATTEMPTED, UNFORTUNATELY TOO LATE,
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TO STOP THE EC'S LETTER.

2. AFTER WE LEARNED THAT THE LETTER HAD INDEED BEEN SENT (REFTELS B AND C), WE PROPOSED TO HIJZEN THAT THE COMMUNITY HAD ALREADY MADE ITS POINT AND SHOULD AVOID, IN FACT, DISCUSSING THE ISSUE IN THE AGRICULTURE COMMITTEE. HIJZEN SAID THAT THE COMMUNITY FEELS THAT IT

WILL BE NEXESSARY TO MAKE THE POINT IN THE COMMITTEE THAT IN THE EC VIEW THE UNITED STATES WAS FOLLOWING THE WRONG PROCEDURE. HOWEVER,THE COMMUNITY HAS NO INTENTION OF PROVOKING A BIG DISPUTE NOR OF BLOCKING DISCUSSIONS ON STANDARDS. HE IS SENDING INSGRUCTIONS TO GENEVA ASKING THE COMMISSION REPRESENTATIVES TO GET IN TOUCH WITH THE AMERICANS IN ORDER TO STAGE-MANAGE A LOW-KEY EXCHANGE IN THE AGRICULUTRE COMMITTEE UNDER WHICH THE COMMUNITY WOULD MAKE ITS POINTS. THE UNITED STATES WOULD THEN RESPOND. THE MATTER, HE SAID, "COULD BE TAKEN CARE OF IN FIVE MINUTES." EVERYONE KNOWS THAT THE UNITED STATES AND THE COMMUNITY HAVE HAD PROCEDURAL DISAGREEMENTS. THERE IS NO REASON WHY THIS SHOULD ASSUME OVERLY LARGE PROPORTIONS. WE RESPONDED THAT EFFORTS TO STAGE-MANAGE THIS KIND OF DISUCSSSION IN THE PAST HAVE NOT ALWAYS BEEN SUCCESSFUL. HIJZEN SAID THAT IF THERE WERE DIF-FICULTIES IN THE GENEVA STAGE-MANAGING, USEC COULD TAKE THEM UP DIRECTLY WITH THE COMMISSION. IN RESPONDING TO OUR CONCERNN THAT THE MARCH 10-11 113 MEETING MIGHT LOCK THE COMMUNITY INTO A BELLIGERENT POSTURE, HIJZEN SAID HE THOUGHGT THIS COULD BE AVOIDED. (WE HAD PREVIOUSLY TRIED TO BUILD SOME BACKFIRES AGAINST AN ADVERSE 113 DISCUSSION BY EXPLAINING OUR POINTS TO SEVERAL OF THE FRIENDLY MEMBER STATE DLELEGATIONS.)

3. IT SEEMS CLEAR TO US FROM CONVERSATIONS WITH SOME OF THE WORKING-LEVEL OFFICIALS THAT THEY BELIEVE THAT THE US NOTIFICATIONS EXCEEDED THE DECEMBER 1976 COMPROMISE, I.E., THEY THOUGHT THAT AS A RESULT OF THAT COMPROMISE LIMITED OFFICIAL USE

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WE WOULD BE NOTIFYING NON-TARIFF MEASURES NOT DEALTH WITH MULTI-LATERALLY (NTM/NDWM) SIMULTANEOUSLY IN THE NON-TARIFF MEASURES GROUP AND THE AGRICULTURAL GROUP. IN ADDITION, SOME OFFICIALS QUESTION THE TIMING OF THESE NOTTIFICATIONS IN A VERY SENSITIVE PROCEDURAL FIELD, I.E. BEFORE THE NEW US STR AND THE NEW COMMISSION HAD HAD TIME TO WORK OUT, IN A NEW SPIRIT, THE TACTICS FOR AVOIDING PROCEDURAL LAND MINES. THEY ALSO DREW ATTENTION TO THE SENTENCE IN THE NOTIFICATION STATING "THE UNITED STATES, THEREFORE, RESERVES ITS RIGHT TO MAKE FURTHER NOTIFICATIONS ON INDUSTRIAL AS WELL AS AGRIUCULTURAL PRODUCTS SUBJECT TO NON-TARIFF MEASURES NOT BEING DEALT WITH MULTILATERALLY IN THE MTN AT SOME FUTURE TIME." THEY VIEWED THIS SENTENCE AS EITHER UNNECESSARILY PROVOCATIVE OR AS A SIGNAL OF A MAJOR NEW US PROCEURAL OFFENSIVE. WE RESPONDED THAT OUR PEOPLE SINCERELY BELIEVED THAT THE DECEMBER COMPROMISE GAVE US THE GREEN LIGHT ON THIS KIND OF NOTIFICATION TO THE NTM COMMITTEE AND THAT SIMILAR US NOTIFICATIONS LAST SUMMER (AUSTRALIA,

SOUTH AFRICA) HAD BEEN MADE WITHOUT PROVOKING A STRONG
EC REACTION.

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P R 100956Z MAR 77
FM US MISSION EC BRUSSELS
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4. ACCORDING TO RAYMOND PHAN VAN PHI, THE CHONOLOGY

OF COMMISSION REACTIONS TO THE FEBRUARY 14 NOTIFICATIONS
IS AS FOLLOWS:

- FEBRUARY 24 - THE EC DELEGATION IN GENEVA DREW THE
COMMISSION'S ATTENTION TO THE NOTIFICATION. DG-VI REACTED
BY PROPOSING SENDING A LETTER OF PROTEST DIRECTLY TO THE
UNITED STATES. THE EC DELEGATION SUGGESTED THAT THE
MEMBER STATES BE CONSULTED IN THE ARTICLE 113 COMMITTEE
BEFORE GOING AHEAD.

- FEBRUARY 25 - DG-I DIRECTOR GENERAL HIJZEN ASKED THE
EC DELEGATION TO CONTACT THE US DELEGATION TO DETERMINE
WHETHER THE US NOTIFICATIONS AD BEEN DELIBERATE. THE
EC DELEGATION DID THIS AND WAS INFORMED THAT THE US
NOTIFICATIONS, UNDER THE NON-TARIFF MEASURES GROUP
ALONE, WERE IN THE US VIEW FULLY IN CONFORMITY WITH THE
DECEMBER COMPROMISE. LATER THAT DAY, THE COMMISSION
RAISED THE QUESTION WITH THE MEMBER STATES. THE
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CONSENSUS WAS THAT THE COMMISSION SHOULD PROCEED TO REQUEST INCLUSION OF THE PROBLEM ON THE AGENDA OF THE AGRICULTURE GROUP MEETING OF MARCH 28 SO THAT A PROTEST COULD BE REGISTERED. MEMBER STATES ASKED TO SEE A TEXT, WHICH WAS CIRCULATED LAST WEEK AND APPROVED FOR TRANSMISSION ON MARCH 8.

5. OUR MOST UNSATISFACTORY CONTACTS ON THIS ISSUE HAVE BEEN WITH JACQUOT, WHO HAS BEEN HIGHLY EMOTIONAL ON THIS ISSUE AND ACCUSED THE UNITED STATES OF HAVING DELIBERATELY FLOUTED THE RESULTS OF THE DECEMBER 1976 COMPROMISE. JACQUOT IS TRYING TO PROTECT RABOT, WHO IS THE ONE WHO DECIDED TO SEND THE LETTER, AND HE MADE THE DECISION IN WASHINGTON ON FEBRUARY 24 WITHOUT RAISING THE ISSUE WITH US OFFICIALS. IN ADDITION, JACQUOT IS UNDOUBTEDLY MIFFED BECAUSE WE PUT HIM IN A BIND WHEN WE WENT OVER HIS HEAD AND BROUGHT GUNDELACH'S CABINET INTO THE PICUTRE, ASKING THEIR HELP TO BLOCK JACQUOT'S DRAFT LETTER, BUT BY THEN THE LETTER HAD BEEN SENT. SOME DG-VI OFFICIALS, AS A RESULT OF THE BAD FEELINGS BROUGHT ON BY THIS INCIDENT, WOULD BE HAPPY TO SEE THE AGRICULTURE GROUP MEETING BREAK INTO A GENERAL ROW. HOWEVER, IF THE UNITED STATES DEMONSTRATES A GENUINE DESIRE TO AVOID HAVING THIS ISSUE BLOW UP, THEY WOULD NOT BE SUPPORTED WITHIN THE COMMUNITY.

6. THE MISSION SUPPORTS THE RECOMMENDATION IN REFTTEL C THAT WE PLAY THE DISCUSSION IN THE AGRICULTURE COMMITTEE LOW KEY, REGISTERING OUR POINTS BUT NOT GOING BEYOND THAT. WE ALSO SUGGEST THAT WASHINGTON CONSIDER MAKING A GESTURE, TO DEMONSTRATE OUR WISH TO IMPROVE THE ATMOSPHERE, BY INFORMING THE COMMUNITY THAT THE NEXT FEW CASES WE WOULD MAKE SIMULTANEOUS NOTIFICATIONS TO THE AGRICULTURE AND NON-TARIFF MEASURES GROUPS. AFTER ALL, OUR MAIN PURPOSE IN THESE NOTIFICATIONS IS TO DISCUSS BILATERALLY DIFFICULTIES THAT WE HAVE WITH BRAZILIAN, VENEZUELAN AND OTHER COUNTRIES' LIMITED OFFICIAL USE

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BARRIERS ON AGRICULTURAL GOODS. WE DO RECOGNIZE THE EXISTENCE OF THE AGRICULTURE COMMITTEE AND WE WOULD NOT BE GIVING UP OUR POSITION OF SIMULTANEOUS INDUSTRIAL/AGRICULTURAL NEGOTIATIONS BY INFORMING THE AGRICULTURE COMMITTEE AT THE SAME TIME WE INFORM THE NTM GROUP THAT WE ARE HAVING THESE CONVERSATIONS. HINTON

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